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8 **UNITED STATES DISTRICT COURT**
9 **WESTERN DISTRICT OF WASHINGTON**
10 **TACOMA DIVISION**

11 WILL CO. LTD. a limited liability company
12 organized under the laws of Japan,

13 Plaintiff,

14 vs.

15 KA YEUNG LEE, an individual; YOUHAHA
16 MARKETING AND PROMOTION LIMITED,
17 a foreign company; and DOES 1-20, d/b/a
18 THISAV.COM,

19 Defendants.

Case No.: 3:20-cv-05802-BHS

**DECLARATION OF KATSUHISA
AOYAGI IN SUPPORT OF PLAINTIFF
WILL CO. LTD'S OPPOSITION TO
DEFENDANTS' MOTION TO DISMISS
FOR LACK OF PERSONAL
JURISDICTION**

20 I, Katsuhisa Aoyagi, declare:

21 1. I am a Citizen of Japan, over the age of 18 years old, make this declaration based
22 upon personal knowledge and, if called to testify could and would testify competently to the facts
23 set forth herein.

24 2. I am the Chief Executive Officer of Will Co., based in Japan.

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26 **DECLARATION OF KATSUHISA AOYAGI ISO**
PLAINTIFF'S OPPOSITION TO MOTION TO DISMISS
[NO. 3:20-cv-05802-BHS]

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FREEMAN LAW FIRM, INC.
1107 ½ Tacoma Avenue South
Tacoma, WA 98042
(253) 383-4500 - (253) 383-4501 (fax)

1 3. Will Co. is an award-winning Japan based entertainment company which includes
2 a vast library of full-length adult entertainment movies offered for viewing in a fee-based model.

3 4. The company is comprised of nearly 100 employees who manage over 37
4 registered trademarks and 50 brands, each of which explore and deliver sensuality and sexuality
5 through artistic photography, video, and erotic stories.

6 5. Will Co. produces content that is specific to Japanese models, environment, and
7 stories.

8 6. Will Co. is the producer and exclusive licensor of its own motion pictures/content.

9 7. Since 2016, Will Co. has grown its video library to over 50,000 full length adult
10 entertainment movies, featuring over 5000 models shot by over 300 photographer/directors.

11 8. Our brands have grown into a globally recognized leader of Japanese sensual art
12 garnering numerous industry awards through the use of studios in Japan, exotic locations, high
13 budget productions, engaging storylines, famed photographers and directors coupled with the
14 dedication from its artists and technicians.

15 9. Will Co. is aware that Japanese erotica is a significant niche in the United States
16 market with high demand. Its popularity equates to the potential to earn significant money in the
17 United States.

18 10. Will Co. has intentionally ventured into the United States market.

19 11. Will Co. has an exclusive agreement with Digital Commerce Co., Ltd. (brand
20 name Fanza), one of the largest distributor's adult content in the World for the worldwide
21 distribution of Will Co.'s content.

22 12. Will Co., through the agreement with Fanza, has intended to and continues to
23 intend to capitalize on and earn money from the United States market.

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26 DECLARATION OF KATSUHISA AOYAGI ISO
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1 13. Through Fanza, Will Co.'s content is sold on the web site r18.com. R18.com's
2 largest viewer base is the United States, a major reason Will Co. maintains its exclusive contract
3 with Fanza.

4 14. Fanza solely distributes Will Co.'s content on its paid membership websites for
5 on-demand viewing.

6 15. R18.com utilizes Cloudflare in the U.S. to serve and display content to U.S. viewer.

7 16. Will Co. earns a revenue share from each transaction in the United States. Yearly,
8 Will Co. earns in excess of \$1M annually from United States Viewers based upon efforts to target
9 the United States market.

10 17. Due to intentions to sell in the United States market and aware of the prevalence
11 of online piracy, Will Co. has sought protection in the United States for the products sold and
12 displayed in the United States through copyright registrations with the United States Copyright
13 Office.

14 18. That United States viewers have access to Will Co.'s Japanese erotica movies for
15 free on web sites such as ThisAV.com means that those interested in this niche market will not
16 pay membership fees or Pay Per View fees to view the movies subject to Fanza paying revenue
17 to Will Co for each viewing.

18 19. Will Co. protects its market share in the United States by contracting with anti-
19 piracy service companies (such as DMCAForce and Battleship Stance, Inc.) investigating and
20 reviewing sites that display Japanese erotica for free, looking for instances of copyright
21 infringement – where the video streaming sites are displaying Will Co.'s movies for free without
22 authorization.

23 20. To that end, Will Co. retained the services of Battleship Stance, Inc. to investigate
24 the unlawful display of Will Co.'s movies.

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1 21. Battleship documented at least 13 of Will Co.'s movies displayed for free on
2 ThisAV.com.

3 22. Given Will Co.'s participation in the United States market, and the prevalence of
4 a niche in the United States for Japanese adult movies, there is no question that the display of
5 Will Co.'s movies in the United States for free damages Will Co.'s ability to earn money in the
6 United States market.

7 I declare under the penalty of perjury under the laws of the United States of America that
8 the foregoing is true and correct.

9 Execute on the 26th day of March 2021 at Tokyo Japan

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12 Katsuhisa Aoyagi
13 Katsuhisa Aoyagi
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